

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 24-cr-169 (JWB/TNL)

Plaintiff,

v.

ORDER

Timothy Michael Decker,

Defendant.

This matter comes before the Court on Defendant Timothy Michael Decker's Motion for Continuance of Motion Filing Date and Motion Hearing, ECF No. 42, and Motion for Late Filing, ECF No. 44. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 43.

Defendant requests permission to file its late continuance motion. ECF No. 44. Defense counsel explains that she was under the impression that motions were due next month. *Id.* The Government does not oppose this motion. *Id.*

Defendant also requests that the motions filing date and the motion hearing date be continued by two weeks to give him additional time to review discovery and to decide how to proceed in this matter. ECF No. 42. The Government has no objection to the requested extension. *Id.* Defendant also seeks an exclusion under the Speedy Trial Act. *Id.*; ECF No. 43. The Court will grant this continuance request. Given the number of continuances filed in this case, however, the Court is disinclined to grant any additional continuances.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide the parties and their respective counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance of Motion Filing Date and Motion Hearing, ECF No. 42, is **GRANTED**.

2. Defendant's Motion for Late Filing, ECF No. 44, is **GRANTED**.

3. The period of time from **the date of this Order through February 5, 2025**, shall be excluded from Speedy Trial Act computations in this case.

4. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **February 5, 2025**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.

5. **Counsel must electronically file a letter on or before February 5, 2025 if no motions will be filed and there is no need for hearing.**

6. All responses to motions must be filed by **February 19, 2025**. *See* D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses must be filed by **February 19, 2025**. *See* D. Minn. LR. 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses must be filed by **February 24, 2025**. *See* D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **February 26, 2025, at 9:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Counsel should submit two hard copies of trial briefs, voir dire, proposed jury instructions, exhibit and witness lists, and trial-related motions (including motions in limine) to District Judge Jerry W. Blackwell's chambers on or before ***a date to be determined***. In addition, counsel should email the proposed jury instructions and exhibit and witness lists to: blackwell_chambers@mnd.uscourts.gov.

Judge Blackwell will hold a final pretrial on *a date to be determined* in **Courtroom 3B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

This case must commence trial on *a date to be determined* before District Judge Blackwell in **Courtroom 3B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Blackwell to confirm the new trial date.

Dated: January 27, 2025

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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